

PUBLIC NOTICE

NOTICE TO: SALEM PROPERTY OWNERS

3.0104 - Vegetation nuisance.

- A. *Definitions.* For the purposes of this section, the following terms, phrases, words, and their derivations shall have the meanings given herein:

Developed lot or area shall mean a lot or area with a finished building or building under construction.

Noxious weeds shall mean all actively growing plants declared to be statewide noxious weeds by the South Dakota Weed and Pest Control Commission.

Undeveloped lot or area shall mean a vacant lot or area with no structure on it.

Weeds shall mean any plants growing uncultivated and out of context with the surrounding plant life when such plant has a seed head formed or forming and with a height of six inches or more, except as otherwise provided in this section.

- B. *Nuisances.*

1. Each owner and each person in possession or control of any land shall cut or otherwise destroy, in whatever manner prescribed by the city, all noxious weeds thereon and shall keep said lands free of such growth.
2. Each owner and each person in possession or control of any property shall be responsible to keep said lot, place, or area or upon any sidewalk abutting the same free of any noxious weeds and to keep grasses and weeds on said lot mowed so that grass and weeds are less than six inches in height.

Exception. Property owners with parcels of land one acre or more may apply for a "city limit haying permit" for relief from the requirements of this section 3.0104. The Salem City Council shall establish the criteria and standards to be maintained throughout the mowing season. The permit must be applied for annually.

3. Each owner and each person in the possession or control of any lands shall not allow any plant growth of any sort to remain in such a manner as to render the streets, alleys or public ways adjoining said land unsafe for public travel or in any manner so as to impede pedestrian or vehicular traffic upon any public place or way.

- C. *Notice to abate and abatement by city.* The finance officer shall annually on or before May 1 of each year publish once a week for two consecutive weeks a notice to property owners generally setting forth the duty to control weeds and other vegetation which might be a nuisance in violation of this section. The finance officer or his or her designee may cause a notice to abate nuisance to be served, by posting of notice on such property within view of the public, upon any property owner who fails to comply with the published notice or any person who at any other time has weeds or other vegetation. Upon failure, neglect or refusal of any owner, agent or occupant so notified to comply with said notice within three days, thereof the finance officer or his or her designee is hereby authorized and empowered to provide for the cutting, destroying or removal of the weeds, grass or other noxious matter and stabilize the soil if necessary. The city may defray the cost of the work, including administrative costs, by special assessment against the property as set out in subsection (D).
- D. *Costs recovered.* The finance officer shall cause an account to be kept against each lot upon which work is done pursuant to subsection (C) and shall after completion of the work, bill the owner of the property for such work and if not paid within 30 days thereafter, the finance officer shall thereupon add such assessment to the general assessment against said property. The finance officer shall certify such special assessment together with the regular assessment to the McCook County Auditor to be collected as municipal taxes for general purposes.

Said assessment shall be subject to review and equalization the same as assessments or taxes for general purposes. In lieu of special assessment, the city council may institute a civil action against the owner or occupant of such property to recover said account.

- E. *Habitual violators.* If the owner or person in control of any land that has previously received a notice to abate nuisance relating to weeds within the preceding 12 months, then, the notice to abate nuisance may include notice that such owner or person in control of said property will be considered to be an habitual violator of this section and that if the nuisance is not abated within the allowed time, the city will consider the property to be subject to having a contract let by the city for mowing property as needed up to a weekly basis for the next following 12-month period of time and that the full cost of said contract together with an administrative fee of \$200.00 will be assessed against the property.

(Ord. No. 616, 6-8-15)

Thank you for your cooperation in abiding by the laws set by Title 3.0104. If you have any questions, or would like to view a copy of the complete Nuisance Ordinance, it is posted on line at www.salemsd.com in the “or contact City Hall by phone or e-mail (605) 425-2301; citysaalem@salemsd.com.

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